

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAYS INNS WORLDWIDE, INC., formerly	:	
known as DAYS INNS OF AMERICA, INC.,	:	
	:	13-CV-8941 (JPO)
Plaintiff,	:	
	:	<u>ORDER ADOPTING</u>
-v-	:	<u>REPORT AND</u>
	:	<u>RECOMMENDATION</u>
HOSPITALITY CORPORATION OF THE	:	
CAROLINAS and NALIN PATEL,	:	
	:	
Defendants.	:	
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J. PAUL OETKEN, District Judge:

On October 20, 2014, this Court ordered default judgment against Defendants Hospitality Corporation of the Carolinas and Nalin Patel. (Dkt. No. 15.) The Court then referred this matter to Magistrate Judge Frank Maas to conduct a damages inquest. (Dkt. No. 16.) Judge Maas has conducted a thorough and careful inquest and has issued a Report and Recommendation (the “Report”) to the Court. (Dkt. No. 20.)

The Report recommends that Plaintiff be awarded judgment against both Defendants for the following amounts: \$114,750.08 in unpaid contract obligations; prejudgment interest on \$114,750.08 at a rate of nine percent per annum, calculated from the midpoint between May 1, 2009 and the date of this Order; \$150,000 in liquidated damages; and prejudgment interest on \$150,000 at a rate of nine percent per annum, calculated from July 30, 2011 through the date of this Order. *Id.* The Court has reviewed the Report. Neither of the Defendants has appeared in this action.

Objections to the Report were due on September 11, 2015. (Dkt. No. 20.) No party filed a timely objection; therefore the Court reviews the Report for clear error. *See* Fed. R. Civ. P.

72(b), Advisory Committee's Notes (1983) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *see also Borcsok v. Early*, 299 F. App'x 76, 77 (2d Cir. 2008).

Judge Maas' well-reasoned Report presents no such errors. Accordingly, the Report is fully adopted by this Court and damages are awarded as calculated in the Report.

SO ORDERED.

Dated: September 14, 2015
New York, New York



J. PAUL OETKEN
United States District Judge